

Zoning Board of Appeals  
City of Cortland  
April 9, 2012

A regular meeting of the Zoning Board of Appeals was held on Monday, April 9, 2012 at 5:00 p.m. in the Mayor's Conference Room at City Hall.

Present: Chair Hickey, Comm. Brown, Funk, McGinley, Place, Stoll and Wickman

Staff: Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk  
(Corporation Counsel Kelly Colasurdo arrived for Executive Session)

Item No. 1 – 41-43 Park St. – (Clark)(R1) – Area Variance – Garage

Mr. & Mrs. Clark were present. Mr. Clark explained that they plan to build a twenty-four (24) foot by twenty-four (24) foot single story garage, with a height of ten (10) feet. He plans to put the front of the garage into the side yard rather than the backyard and therefore needs a variance.

Comm. Place noted that this is a two (2) lot property and asked if there was anything on the other lot. Mr. Clark stated that there was nothing there. Chair Hickey asked if the two (2) lots were a single parcel. Mr. Clark stated that they were combined. Chair Hickey noted that she didn't want the ZBA to create a lot that just has a garage on it. Comm. Wickman asked if the lot was undeveloped. Mrs. Clark stated that there had never been a building on that lot in the past twelve years, just a driveway.

Chair Hickey inquired about a shed just in front of the main house and asked if that would remain. Mrs. Clark stated that it would remain. Comm. Place asked what the issues were regarding this variance request. Zoning Officer Weber noted that detached garages can only be allowed in the rear yard and this in the side yard. Comm. Brown asked where they were driving into the existing gravel driveway. Mr. Clark stated that it was to the left and would be right in front of the proposed garage. Comm. Place asked why they were not putting the garage further back, perhaps because they would have a very long driveway. Mr. Clark noted that the garage would be in the backyard and they have a pool there and it would be a long walk.

Comm. Funk asked if there was an issue with lot coverage. Zoning Officer Weber stated that it was not an issue. Comm. Brown asked if an asphalt driveway was required. Zoning Officer Weber stated that it was not required as this was a single family residence. Chair Hickey asked if the map was correct in that the proposed garage would be thirty-three (33) feet back from the sidewalk. Mr. Clark noted that was correct. Comm. Funk asked if they planned to run any utilities to the garage. Mr. Clark stated that there would be in the future, but not now. Mr. Clark explained that he will have the pipe put into the concrete so that the utilities can go underground from the house, but he won't run the electric right away.

Comm. Wickman asked if this was a dead end street. Mr. Clark noted that it was.

There was no one further to speak, therefore the public hearing was closed.

On the motion of Comm. Wickman, seconded by Comm. McGinley, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. McGinley	Aye
Comm. Place	Aye	Comm. Stoll	Aye
Comm. Wickman	Aye		

**RESOLVED THAT THE AREA VARIANCE – 41-43 PARK ST. – (CLARK)(R1) – GARAGE – BE PLACED ON THE TABLE FOR DELIBERATION.**

The criteria for an area variance were reviewed.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. Will fit in as most houses have detached garages and this is a large double lot.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. It's possible, but difficult with a pool in the rear yard, but doable and this is similar to other houses on the block.
3. Whether the requested area variance is substantial. No and Yes as there is a difference between side yard and rear yard.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. Yes, not right for certain neighborhoods.

Comm. Wickman noted that he wouldn't want to see this happening in the whole City. Comm. Brown noted that it could affect the value of a home in some locations. Comm. Place noted that they were recessing the garage further back than the site line of the houses down the street. Comm. Wickman noted that this was a dead end with limited traffic flow. Chair Hickey noted that it had a vacant lot next door.

On the motion of Comm. Place, seconded by Comm. McGinley, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
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Comm. Funk	Aye	Comm. McGinley	Aye
Comm. Place	Aye	Comm. Stoll	Aye
Comm. Wickman	Aye		

**RESOLVED THAT THE AREA VARIANCE – 41-43 PARK ST. – (CLARK)(R1) – AREA VARIANCE – GARAGE BE APPROVED BASED ON THE SITE PLAN PRESENTED.**

Minutes – March 12, 2012

On the motion of Comm. Wickman, seconded by Comm. Funk, voted and carried as amended.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. McGinley	Aye
Comm. Place	Aye	Comm. Stoll	Aye
Comm. Wickman	Aye		

**RESOLVED THAT THE MINUTES OF MARCH 12, 2012 BE APPROVED AS AMENDED.**

Corporation Counsel Colasurdo arrived for an Executive Session – Pending Litigation.

On the motion of Comm. Brown, seconded by Comm. Funk, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. McGinley	Aye
Comm. Place	Aye	Comm. Stoll	Aye
Comm. Wickman	Aye		

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

On the motion of Comm. Brown, seconded by Comm. Funk, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. McGinley	Aye
Comm. Place	Aye	Comm. Stoll	Aye
Comm. Wickman	Aye		

**RESOLVED TO COME OUT OF EXECUTIVE SESSION.**

Adjournment

On the motion of Comm. Brown, seconded by Comm. Funk, voted and carried.

**I, MARY KAY HICKEY, CHAIRPERSON OF THE ZONING BOARD OF APPEALS FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE CITY OF CORTLAND, HELD ON THE 9th DAY OF APRIL 2012.**

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**MARY KAY HICKEY, CHAIRPERSON**